

REMARKS

The claims remaining in this patent application following amendment are Claims 1-8, 10-12 and 16-20. Claim 9 has been cancelled, without prejudice. Claims 13-15 have been withdrawn as being directed to the non-elected method. No new claims have been added. Claims 1, 5, 10 and 11 are amended. Claims 16-20 are indicated to be allowed.

Claim 1 is rejected under 35 USC 102(b) as being anticipated by the published patent application to Prokosi (US2001/0033661). This rejection is respectfully traversed. In this regard, Independent Claim 1 has been amended to more clearly point out that the markers assigned to identify different sets of photographic images as well as the labels applied to the sets of images are based on the subject matter of the images (see paragraph 0017-0019 of the applicant's specification). In this manner, one may access and view a particular set of images located in a particular subject folder among a plurality of folders solely on the basis of subject. In other words, an individual need not access and view every single image taken by a photographer before being able to locate and inspect one or more images relating to the particular subject of interest to the individual.

While the images described in the digital imaging system of Prokosi may be stored according to information labels that are representative of the date and time on which the images were captured as well as the GPS location of the images, the identity labels assigned to the images of Prokosi are totally independent of subject matter. In this case, a photographer employing the Prokosi system could fail to remove the lens cap from the camera and the blank (i.e., black) images captured would still be fully identified solely on the basis of date, time and the location of the photographer. At no time does Prokosi consider the subject matter of her images in order for the images to be identified for access at a later time.

At paragraph 6 of the Office Action, the Examiner acknowledges that Prokosi fails to label different sets of photographic images based on events or topics (i.e., the subject) associated with the images. The Examiner then suggests that Aoki, et al. (Patent No. 7,069,314) uses folder IDs that designate high and low resolution images. However, it is pointed out that the subject matter of a photographic image is totally independent of the resolution thereof. In fact, the applicant describes and claims a completely separate step for accessing and viewing particular images, in addition to labeling photographic images by subject, which takes into account whether the images are of high or low resolution (see the applicant's Claims 5 and 6).

Notwithstanding the foregoing, the images of Prokosi can be fully identified and labeled by means of date, time and location. There is simply no need to add any additional ID markers or labels to the images. Any such additional markers (like that proposed by Aoki) would be totally superfluous and not likely to be incorporated by Prokosi or any other photographer of reasonable skill. Therefore, it is submitted that neither Prokosi nor Prokosi in view of Aoki shows or remotely suggests identifying different sets of photographic images on the basis of the subject thereof in the manner recited by Independent Claim 1, amended.

Therefore, Independent Claim 1 is believed to be patentable over Prokosi and any reasonable combination of Prokosi in view of Aoki. Inasmuch as Independent Claim 1 is believed to be patentable, Claims 2-12, which depend therefrom, are likewise believed to be patentable.

Claims 2-4 are rejected under 35 USC 103 as being unpatentable over the aforementioned published application to Prokosi in view of the published patent application to Walker, et al. (US2004/0174434). Claims 2-4 are dependent from Independent Claim 1.

Inasmuch as Independent Claim 1, amended, is believed to be patentable, Claims 2-4, which depend therefrom, are likewise believed to be patentable.

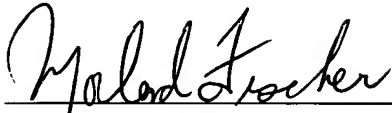
Claims 5-8 are rejected under 35 USC 103 as being unpatentable over the aforementioned published patent application to Prokosi in view of the aforementioned patent to Aoki, et al. Claims 5-8 are dependent from Independent Claim 1. For the reasons presented above, Independent Claim 1, amended, is believed to be patentable over Prokosi taken alone and any reasonably combination of Prokosi in view of Aoki, et al. Inasmuch as Independent Claim 1, amended, is believed to be patentable, Claims 5-8, which depend therefrom, are likewise believed to be patentable.

Claims 9-11 are rejected under 35 USC 103 as being unpatentable over the aforementioned published patent application to Prokosi in view of the patent to Bryant, et al. (7,349,010). Claim 9 has been cancelled and, therefore, the rejection thereof is rendered moot. Claims 10 and 11 are dependent from Independent Claim 1. Inasmuch as Independent Claim 1, amended, is believed to be patentable, Claims 10 and 11, which depend therefrom, are likewise believed to be patentable.

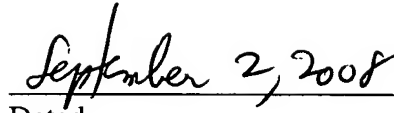
As indicated above, Claims 16-20 have been allowed.

In view of the foregoing, each of Claims 1-8, 10-12 and 16-20 pending in this application is believed to recite a patentable method. Inasmuch as Independent Claim 1 is believed to be allowable, Claims 13-15, previously withdrawn, are now also believed to allowable. Accordingly, reconsideration of the Examiner's rejection is requested, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,



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Dated



CERTIFICATE OF MAILING

I, Paulette A. Fritz, do hereby certify that the foregoing documents are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Assistant Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this date of September 2, 2008.

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